

TO: The Honorable Board of Supervisors

FROM: B. Clayton Goodman, III, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: July 14, 2008

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Library Board
 2. Office on Youth Advisory Board
 3. Parks and Recreation Commission
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Prices Fork Elementary School Site

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Boundary Line Agreement – Town of Christiansburg

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on June 29, 2008 and July 6, 2008:

1. Proposed Ordinance – Vacation of a portion of Pebble Beach Drive
An Ordinance vacating a portion of Pebble Beach Drive located in Section II of the Blacksburg Country Club Estates Subdivision, recorded in Plat Book 16, Page 1 in the Montgomery County Clerk's Office. See TAB A.

VIII. PUBLIC ADDRESS

IX. ADDENDUM

X. CONSENT AGENDA

XI. OLD BUSINESS

**A. SUBJECT: REZONING REQUEST
WILLIAM W. & MARY T. PETERMAN**

**ORD-FY-09-
AN ORDINANCE AMENDING THE
ZONING CLASSIFICATION
OF APPROXIMATELY 19.038 ACRES
LOCATED ON THE SOUTHEAST CORNER
OF THE INTERSECTION OF MUD PIKE (SR 666) AND
SEVEN MILE TREE ROAD (SR 836)
FROM RURAL RESIDENTIAL (R-R) TO AGRICULTURE (A-1)
WILLIAM W. AND MARY T. PETERMAN**

BE IT ORDAINED By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience,

general welfare and good zoning practice, and therefore the zoning classification of that certain tract or parcel of land consisting of 19.038 acres of land is hereby amended and rezoned from the zoning classification of Rural Residential (R-R) to Agriculture (A-1) with two (2) lot assignments re-assigned to this parcel in accordance with the Agriculture (A-1) zoning ordinance density requirements.

This action was commenced upon the application of William W. Peterman and Mary T. Peterman.

The property is located on the southeast corner of the intersection of Mud Pike (SR 666) and Seven Mile Tree Road (SR 836) and is identified as Tax Parcel Nos. 104-A-75E (Acct # 120045) in the Riner Magisterial District (District D). The property currently lies in an area designated as Rural in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

JUSTIFICATION:

At a Regular Meeting on June 11, 2008 the Planning Commission, on a vote of 6 to 0 (Haynes, Rice and Moore absent), found the Rezoning request compatible with the Comprehensive Plan, and recommended approval to the Board of Supervisors. See TAB F for Planning Commission recommendation memo of June 13, 2008.

**B. SUBJECT: REZONING REQUEST – KELLY L. BURDETTE
(AGENT: BALZER AND ASSOCIATES, INC.)**

**ORD-FY-09-
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION
OF APPROXIMATELY 1.992 ACRES OF A 6.5 ACRE TRACT
LOCATED AT 929 HIGHTOP ROAD (SR 808)
FROM AGRICULTURE (A-1) TO GENERAL BUSINESS (GB)
KELLY L. BURDETTE**

BE IT ORDAINED By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice, and therefore the zoning classification of that certain tract or parcel of land consisting of 1.992 acres of land is hereby amended and rezoned from the zoning classification of Agriculture (A-1) to General Business (GB) with the following proffered conditions:

1. Property shall be developed in substantial conformance with the conceptual plan by Balzer and Associates, Inc. dated April 1, 2008 and revised May 20, 2008, including a future private or public road connection to the western adjacent property as shown.
2. Site shall be served by Montgomery County PSA sanitary sewer and water.
3. A detailed site plan/subdivision plan in conformance with zoning ordinance requirements shall be submitted and approved by the zoning administrator and all other necessary local and state agencies prior to issuance of building permits for this development.
4. Stormwater management will be proposed on the west side of the property in accordance with all State and Local stormwater management standards and shall be reviewed by Montgomery County and Town of Blacksburg.
5. All entrances onto Davis Street and site improvements located on Tax Map #376-1 4 will be designed to Town of Blacksburg standards.
6. The uses on the subject property will be limited to Business or trade school, Conference or training center, Day care center, Financial services, Equipment sales and service, Funeral home, Printing service, Office, administrative, business or professional, Medical care facility, Library, Restaurant, Veterinary practice, animal hospital, Telecommunication Tower-attached, Retail sales and services.

This action was commenced upon the application of Kelly L. Burdette (Agent: Balzer and Associates, Inc.).

The property is located 929 Hightop Road (SR 808) and is identified as Tax Parcel Nos. 67-A-48 and 67-A-49 (Acct # 005757 and 005760) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

This ordinance shall take effect upon adoption.

JUSTIFICATION:

At a Regular Meeting on May 21, 2008 the Planning Commission, on a vote of 6-1 vote (Wells opposed; Cochran, and Seitz absent), found the Rezoning request compatible with the Comprehensive Plan, and recommended approval to the Board of Supervisors. See **TAB G** for Planning Commission recommendation memo of May 22, 2008. **TAB G** also includes information concerning the storm water management. Balzer

and Associates have prepared a Stormwater Management Concept Plan on the proposed property. The concept Plan has been submitted to both the Town of Blacksburg and the County's Engineer Department.

XII. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. AEP Falling Branch-Merrimac 138kv Transmission Line Project (TAB H)
2. Hydrogeologic Study for the Proposed Additional Phases of The Ridges Development – Reese Family Limited Partnership Rezoning (TAB I)
3. Revenue Sharing Projects – FY 2009 (TAB J)

XIII. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends the Work Session to return to Regular Session.

XIV. NEW BUSINESS

**A. SUBJECT: AEP FALLING BRANCH – MERRIMAC
138 kV TRANSMISSION LINE PROJECT**

**R-FY-09-
AEP FALLING BRANCH-MERRIMAC
138 kV TRANSMISSION LINE PROJECT**

WHEREAS, Appalachian Power Company (APCo) is in the preliminary stages of identifying proposed study routes for the Falling Branch-Merrimac 138 kV transmission line project; and

WHEREAS, The Falling Branch-Merrimac 138 kV transmission line project is proposed to be approximately 8 miles long beginning at APCo's existing Merrimac Substation (south of Blacksburg), traveling through the existing Hans Meadow Substation (Christiansburg) and terminating at the existing Falling Branch Substation (east of Christiansburg); and

WHEREAS, APCo is accepting comments and suggested alternative routing options through July 18, 2008; and

WHEREAS, The Montgomery County Planning Department has reviewed the maps and other available information provided by APCo with regard to the Falling Branch-Merrimac 138 kV Transmission Line Project and there are numerous potential routes identified by APCo that are located within the Towns of Christiansburg and Blacksburg as well as the unincorporated area of Montgomery County; and

WHEREAS, There are segments of these proposed routes that could potentially impact existing businesses, residences and view sheds in the County; and

WHEREAS, There are segments of these proposed routes that appear to follow existing rail road and power line right of ways; and

WHEREAS, The Board of Supervisors request that APCo review and consider routes that will have the least amount of impact on existing businesses, residences and view sheds in the County and when possible for those proposed routes to follow existing railroad and power line right of ways; and

WHEREAS, The Board of Supervisors request that APCo notify the property owners that may be effected directly or by adjoining the proposed study routes as soon as possible so that they may be informed and able to comment and be involved in the selection process.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby requests that APCo review and consider proposed routes to locate the Falling Branch-Merrimac 138 kV line project in Montgomery County that will have the least impact on existing businesses, residences and view sheds and when possible for those proposed routes to follow existing railroad and power line right of ways.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby further requests that APCo notify all property owners that may be effected directly or by adjoining the proposed study routes as soon as possible so that the property owners may be informed and able to comment and be involved in the process.

ISSUE/PURPOSE:	Provide input on the preliminary study routes identified by APCo for the proposed Falling Branch-Merrimac 138 kV Transmission Line project.
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JUSTIFICATION:

In addition to the public workshop APCo held on June 5th for public comment, they have provided an opportunity for local government to comment on the preliminary transmission line study routes. APCo's **deadline for submitting comments is July 18, 2008.**

B. SUBJECT:

ISSUANCE OF BONDS

R-FY-09-

RESOLUTION OF THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA WITH RESPECT TO ISSUANCE OF PUBLIC FACILITY LEASE REVENUE BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY FOR MONTGOMERY COUNTY BOARD OF SUPERVISORS FOR THE COURTHOUSE PROJECT, PUBLIC SAFETY PROJECT, AND SCHOOL CAPITAL PROJECTS

SEE TAB K for a copy of the Resolution.

ISSUE/PURPOSE:

Resolution approving the issuance and sale of Public Facility Lease Revenue Bonds.

JUSTIFICATION:

At their June 9, 2008 meeting, Courtney Rogers, Davenport & Company, provided a presentation on the County's debt capacity and affordability, and provided a proposed schedule for the issuance of bonds and adopting the resolution. TAB K includes the Bond Resolution. The Secretary to the Board of Supervisors has a copy of the draft supporting documents. Bond Counsel and the Financial Advisor will be at the meeting to answer any questions.

**C. SUBJECT: ABANDONMENT OF ROADS – PROPOSED
BOARD OF SUPERVISORS POLICY TO
ADDRESS REQUESTS FROM INDIVIDUALS
TO HAVE A SECONDARY ROAD, OR A
PORTION OF A SECONDARY ROAD,
ABANDONED**

**R-FY-09-
PROPOSED BOARD OF SUPERVISORS POLICY
TO ADDRESS REQUESTS FROM INDIVIDUALS
TO HAVE A SECONDARY ROAD, OR A PORTION
OF A SECONDARY ROAD ABANDONED**

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves and establishes a policy to address requests from individuals to have a secondary road or a portion of a secondary road abandoned, as follows:

There are two circumstances for abandoning a secondary road:

1. When the Board of Supervisors decides that:
 - (a) No public necessity exists for the continuance of the secondary road as a public road (i.e., lack of public use), or
 - (b) The safety and welfare of the public would be served best by abandoning the section of road
2. When a new road “which serves the same citizens as the old road” has already been constructed to VDoT standards and accepted into the secondary system. The order of abandonment of the old road and request for acceptance of the new road are combined in the same resolution and enacted simultaneously, in that sequence.

For an individual property owner to get a road abandoned:

- The property owner must submit a petition to the County Administrator, requesting that the Board of Supervisors abandon a road, or a section of road. The petition must include the signatures of **all** property owners on the road, or section of road, that is requested to be abandoned. Petition must be accompanied by a reasonably accurate plat and description of the road, or section of road, that is requested to be abandoned.

- County staff will send request to VDoT's Residency Administrator for review and comment.
- County staff will send request to all utility companies for review to insure that they would have no future need to use the right-of-way.
- The Board of Supervisors will then schedule a public hearing and provide a formal notice to the Transportation Commissioner. Notice of public hearing will be posted on the road or section of road that is requested to be abandoned, and published once a week for two successive weeks in a newspaper published or having general circulation in Montgomery County.
- Following the public hearing, the Board of Supervisors may either adopt a resolution requesting VDoT to abandon the road, or adopt a resolution to dismiss the abandonment.
- Once the road is abandoned, the property reverts back to the previous owners unless the right-of-way was bought and paid for by VDoT. In that case, the property would have to be acquired from VDoT.
- In considering the abandonment of any road, or section of road, consideration shall be given to the historic value, if any, of such road.

ISSUE/PURPOSE: Establish a Board Policy to address requests from individuals to have a road, or a portion of a road, abandoned.

JUSTIFICATION: The proposed policy was provided to the BoS in the County Administrator's Weekly Report on June 13, 2008. The draft policy has been amended to include that all requests will be sent to all utility companies for review to insure that they would have no future need to use the right-of-way.

**D. SUBJECT: COMMONWEALTH'S ATTORNEY
VICTIM WITNESS GRANT**

**R-FY-09-
COMMONWEALTH'S ATTORNEY
VICTIM WITNESS GRANT**

WHEREAS, The Victim Witness Program is administered by the Commonwealth's Attorney's office; and

WHEREAS, The Victim Witness Grant previously totaled \$134,195 and covers the cost of three positions and operations for the program with 95% of the grant funds covering salaries and benefits which increase annually; and

WHEREAS, The state also plans to reduce the grant in fiscal year 2009 by \$13,419; and

WHEREAS, The Commonwealth's Attorney generates revenue from the collection of fines and fees through his office which has been used to reduce the general fund dollars needed to support his office; and

WHEREAS, In March 2006 the Commonwealth's Attorney requested and the Board of Supervisors approved the use of a portion of the fee revenue generated by his office to supplement a maximum of 10% of the grant to the Victim Witness program not covered through the Victim Witness Grant funding.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors approves the use of the fee revenue generated through the Commonwealth's Attorney office to supplement the Victim Witness Grant funding to cover program costs including personnel and/or operations, as required.

ISSUE/PURPOSE: Address shortfall in Victim Witness Grant.

JUSTIFICATION: Since FY06, revenue generated through the collection of fees through the Office of the Commonwealth's Attorney have been used to offset the cost of the collection process, supplement the Victim Witness Grant and reduce the general fund support of the office. The history of the fees collected is presented in the following table:

FY09 <u>Budget</u>	FY08 <u>Actual</u>	FY07 <u>Actual</u>	FY 06 <u>Actual</u>
103,977	110,570	102,954	120,925

With the use of additional fee dollars to supplement the Victim Witness Grant, funds will be needed for the Commonwealth's Attorney's office budget since the fee revenue that supports these costs will be reduced.

The actual revenue and expenditure changes will be included as a part of the reconciliation of the Compensation Board budget to the County budget.

XV. COUNTY ATTORNEY'S REPORT

XVI. COUNTY ADMINISTRATOR'S REPORT

1. Staff Briefing on New River Valley Housing Consortium. (TAB L)
2. Public Information Office Staff Briefing. (TAB M)
3. Inmate Litter Clean-up Report. (TAB N)

XVII. BOARD MEMBERS' REPORT

1. Supervisor Brown
2. Supervisor Biggs
3. Supervisor Politis
4. Supervisor Muffo
5. Supervisor Creed
6. Supervisor Marrs
7. Supervisor Perkins

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Adjourned Meeting
Monday, July 28, 2008
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Regular Meeting
Monday, August 11, 2008
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda